



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 1634

In re

Patent Application of

Rex M. Bitner, et al.

Application No. 09/475,958

Confirmation No.: 7117

Filed: December 30, 1999

Examiner: Bradley L. Sisson

"CELL CONCENTRATION AND LYSATE  
CLEARANCE USING PARAMAGNETIC  
PARTICLES"

I, Leslie Rector hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Leslie Rector  
Signature  
February 11, 2005  
Date of Signature

**TERMINAL DISCLAIMER TO OBTAIN DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Promega Corporation, located at 2800 Woods Hollow Road, Madison, WI 53711-5399 (hereinafter "Assignee"), by its undersigned attorney of record, represents that it is the owner of the entire interest in the above-identified application (hereinafter "said Application") by virtue of an assignment recorded March 10, 2000, at Reel 010669, Frame 0244. Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on said Application, beyond the expiration date of the full statutory term of U.S. Patent No. 6,787,307 (SN 09/711,782) (hereinafter "said U.S. Patent"). Assignee hereby agrees that any patent granted on said Application shall be enforceable only for and during such period that the legal title of the patent granted on said Application should be the same as the legal title to said U.S. Patent. This agreement shall run with any patent granted on said Application and be binding upon the grantee, its successors or assigns. In making the above disclaimer, Assignee does not disclaim any terminal part of the patent granted on said Application prior to the expiration date of the full statutory term of said U.S. Patent, in the event that said U.S. Patent later expires for failure to pay a maintenance fee, is

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held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term.

The undersigned is empowered to act on behalf of Assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

In the event Applicants have overlooked the need to request an extension of time, please consider this a request for the same.

Enclosed herewith is the Statutory Disclaimer fee of \$130.00. Charge or credit Deposit Account No. 50-0842 with any shortage or overpayment of the fees associated with this communication. A duplicate copy of this sheet is enclosed.

Date: Feb. 11, 2005 By Grady J. Frenchick  
Grady J. Frenchick  
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cc: Docketing  
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